

Ramayee

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SooperKanoon Citation : sooperkanoon.com/782658

Court : Chennai

Decided On : Aug-20-1890

Reported in : (1891)ILR14Mad398

Judge : Shephard and ;Handley, JJ.

Appellant : Ramayee

Judgement :

1. We think that the ruling in Upendra Nath Dhal v. Sondamini Dasi I.L.R. 12 Cal. 535 is right, and that the rate of maintenance must be fixed, subject only to any possible alteration under the provisions of Section 489. With regard to that section, we think that the fact that the child has grown older would no less constitute 'a change in the circumstances of the person receiving the allowance,' than would the death of the child or the birth of another, and therefore the rate can be varied from time to time on application being made as the child gets older. We think the order ought to be modified by setting aside that part of it which directs a prospective increase of the rate.